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TREND MICRO INCORPORATED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TREND MICRO INCORPORATED,

Plaintiff,

v.

RPOST HOLDINGS, INC., and
RPOST COMMUNICATIONS LIMITED,

Defendants.

CASE NO. 3:13-cv-05227-VC

**STIPULATION AND ~~PROPOSED~~
ORDER GRANTING TREND MICRO
INCORPORATED'S UNOPPOSED
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED**

WHEREAS, on November 11, 2013, Trend Micro filed a complaint for Declaratory Judgment against RPost, alleging non-infringement and invalidity of U.S. Patent Nos. 8,224,913 ("the '913 patent"), 8,209,389 ("the '389 patent"), 8,504,628 ("the '628 patent"), and 8,468,199 ("the '199 patent") (collectively, the "asserted patents"). Dkt. No. 1.

WHEREAS, on December 9, 2013, RPost filed the Transferred Action against Trend Micro in the Eastern District of Texas (Case No. 2:13-cv-01065), alleging infringement of the same four asserted patents in the instant action, together with two additional patents: U.S. Patent Nos. 8,484,706 ("the '706 patent") and 7,660,989 ("the '989 patent").

1 WHEREAS, on January 8, 2014, Trend Micro filed a motion to dismiss/transfer RPost's
2 Texas case to the Northern District of California.

3 WHEREAS, on May 16, 2014, Judge Gilstrap granted Trend Micro's motion and
4 transferred the Texas case to the Northern District of California.

5 WHEREAS, on June 18, 2014, the Transferred Action was transferred to the Northern
6 District of California, and was filed as 3:14-cv-02824-EDL and the Transferred Action was
7 subsequently assigned to Judge Beth Labson Freeman and now bears Case No. 3:14-cv-02824-
8 BLF.

9 WHEREAS, Judge Freeman issued an Order Instructing Defendant to File Motion to
10 Consider Whether Cases Should be Related in Case No. 14-cv-02824-BLF.

11 WHEREAS, counsel for Trend Micro and counsel for RPost Holdings, Inc. and RPost
12 Communications Ltd. (collectively, "RPost") met and conferred and RPost has stated that it does
13 not oppose Trend Micro's administrative motion to relate cases.

14 WHEREAS, Trend Micro concurrently herewith submits an unopposed Administrative
15 Motion To Consider Whether Cases Should Be Related pursuant to Local Rule 3-12.

16 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties that
17 for the reasons stated in Trend Micro's unopposed Administrative Motion To Consider Whether
18 Cases Should Be Related, the Transferred Action bearing Case No. 3:14-cv-02824-BLF should be
19 related to the above-captioned action pursuant to Local Rule 3-12.

20
21 Dated: July 18, 2014

Respectfully submitted,

22 By: /s/ Andrew P. Valentine
23 ANDREW P. VALENTINE
24 MARK FOWLER
25 ROBERT BUERGI
26 ERIK R. FUEHRER
27 JONATHAN H. HICKS

Attorneys for Plaintiff
TREND MICRO INCORPORATED

1
2 Dated: July 18, 2014

By: /s/ Lewis E. Hudnell, III
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Attorneys for Defendants
RPOST HOLDINGS, INC. and
RPOST COMMUNICATIONS LIMITED

11
12 **DECLARATION UNDER CIVIL LOCAL RULE 5.1**

13 In compliance with Civil Local Rule 5.1(i), I hereby attest that concurrence in the filing of
14 this document has been obtained from each of the other signatories indicated by a “conformed”
15 signature (/s/) within this E-Filed document.

16 Dated: July 18, 2014

/s/ Andrew P. Valentine
Andrew P. Valentine

18
19
20 PURSUANT TO STIPULATION, IT IS SO ORDERED:

21
22 Dated: July 21, 2014



JUDGE CHHABRIA
United States District Judge